

## PROPOSITION 303

### OFFICIAL TITLE

#### HOUSE CONCURRENT RESOLUTION 2027

AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; RELATING TO LAND USE AND CONSERVATION APPROPRIATIONS.

### TEXT OF THE AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to land use and conservation appropriations, is enacted to become valid as a law if approved by the voters, and if the initiative styled “The Citizens Growth Management Act” fails to be approved by the voters, at the general election held November 3, 1998:

#### AN ACT

#### AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; RELATING TO LAND USE AND CONSERVATION APPROPRIATIONS.

Be it enacted by the Legislature of the State of Arizona:

#### SECTION 1. THE GROWING SMARTER ACT; DESCRIPTION; INTENT

A. THE LEGISLATURE HAS ENACTED “THE GROWING SMARTER ACT” CONSISTING OF COMPREHENSIVE MUNICIPAL, COUNTY AND STATE LAND DEPARTMENT LAND USE PLANNING AND ZONING REFORMS, PROVIDING FOR THE ACQUISITION AND PRESERVATION OF OPEN SPACES AND ESTABLISHING A PROGRAM FOR CONTINUING STUDY AND CONSIDERATION OF PERTINENT ISSUES RELATING TO PUBLIC LAND USE POLICIES.

B. THIS PROPOSITION PRESENTS TO THE VOTERS A KEY COMPONENT OF THE GROWING SMARTER ACT. IT FUNDS GRANTS OF MONEY FROM EXISTING STATE REVENUES TO CONSERVE OPEN SPACES IN OR NEAR URBAN AREAS AND OTHER AREAS EXPERIENCING HIGH GROWTH PRESSURES. COMBINED WITH MORE SPECIFIC AND MORE DETAILED COMMUNITY PLANS, GREATER PUBLIC PARTICIPATION IN CREATING AND AMENDING COMMUNITY PLANS, MANDATORY REZONING CONFORMITY WITH ADOPTED PLANS, STATE TRUST LAND PLANNING AND AN URBAN AND RURAL GROWTH STUDY COMMISSION, THIS FUNDING FURTHERS THE BEST INTERESTS OF OUR CITIZENS BY PROTECTING OUR NATURAL HERITAGE AND WISELY MANAGING THE GROWTH OF OUR COMMUNITIES.

C. THESE COMPREHENSIVE REFORMS CONFLICT WITH THE INITIATIVE STYLED “THE CITIZENS GROWTH MANAGEMENT ACT” WHICH MANDATES THE ESTABLISHMENT OF URBAN GROWTH

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“for” and “against” arguments.*

AREAS, GROWTH MANAGEMENT PLANS AND LIMITS THE EXPANSION OF PUBLIC SERVICES. THE PROPOSALS IN THE CITIZENS GROWTH MANAGEMENT ACT ARE INCONSISTENT WITH STATE FUNDED ACQUISITION AND PRESERVATION OF OPEN SPACE WITHIN URBAN GROWTH AREAS AND WITH PROVIDING AFFORDABLE HOUSING AND OTHER URBAN LAND USE NEEDS. MOREOVER, LOCAL TAX BASES MAY BE ERODED BY THE ACQUISITION OF URBAN OPEN SPACE PROPERTY BY GOVERNMENT ENTITIES UNDER THIS ACT UNLESS LOCAL GOVERNMENTS ARE ALLOWED TO CONTINUE TO ANNEX NEW TERRITORY.

D. THE VOTERS ARE THUS PRESENTED A CLEAR CHOICE IN THE DIRECTION THEY WANT COUNTIES AND MUNICIPALITIES TO FOLLOW IN PLANNING AND MANAGING THE GROWTH THAT IS INEVITABLE IN THIS STATE. THE GROWING SMARTER ACT AND THE CITIZENS GROWTH MANAGEMENT ACT ARE NOT COMPATIBLE. THIS PROPOSITION, THE GROWING SMARTER ACT, CAN TAKE EFFECT AND WORK SUCCESSFULLY ONLY IF THE CITIZENS GROWTH MANAGEMENT ACT IS NOT APPROVED BY THE VOTERS AND DOES NOT BECOME EFFECTIVE.

Sec. 2. Section 41-511.23, Arizona Revised Statutes, is amended to read:

41-511.23. Conservation acquisition board; land conservation fund; conservation donation and public conservation accounts; exemption from lapsing

A. The conservation acquisition board is established, as an advisory body to the Arizona state parks board, consisting of the following members who are appointed by the governor, at least one of whom shall be experienced in soliciting money from private sources:

1. One state land lessee.
2. One member who is qualified by experience in managing large holdings of private land for income production or conservation purposes.
3. One member of the state bar of Arizona who is experienced in the practice of private real estate law.
4. One real estate appraiser who is licensed or certified under title 32, chapter 36.
5. One member who is qualified by experience in marketing real estate.
6. One representative of a conservation organization.
7. One representative of a state public educational institution.

B. The governor shall designate a presiding member of the board. The term of office is five years except that initial members shall assign themselves by lot to terms of one, two, three, two members for four and two members for five years in office.

C. The conservation acquisition board shall:

1. Solicit donations to the conservation donation account.
2. Consult with entities such as private land trusts, state land lessees, the state land department, the Arizona state parks board and others to identify conservation areas reclassified pursuant to section 37-312 that are suitable for funding.

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3. Recommend to the Arizona state parks board appropriate grants from the land conservation fund.

D. The land conservation fund is established consisting of the following accounts:

1. The conservation donation account consisting of monies received as donations. Monies in the account are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

2. The public conservation account consisting of monies appropriated by the legislature from the state general fund. ~~Subject to legislative appropriation, IN FISCAL YEARS 2000-2001 THROUGH 2010-2011, THE SUM OF TWENTY MILLION DOLLARS IS APPROPRIATED EACH FISCAL YEAR FROM THE STATE GENERAL FUND TO THE PUBLIC CONSERVATION ACCOUNT IN THE LAND CONSERVATION FUND FOR THE PURPOSES OF THIS SECTION. Beginning in fiscal year 1998-1999, each expenditure of monies from the public conservation account shall be matched by an equal expenditure of monies from the conservation donation account and any amount that is so appropriated in a fiscal year and that is not matched at the end of the fiscal year reverts to the state general fund. The matched monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. Monies in the public conservation account, with matching monies from the conservation donation account, are appropriated to the Arizona state parks board for the exclusive purpose of granting monies to the state or any of its political subdivisions for the purchase or lease of state trust lands that are classified as suitable for conservation purposes pursuant to section 37-312. If the legislature fails to appropriate monies to the public conservation account in a fiscal year, the Arizona state parks board may either grant nothing from the fund in that year or, on recommendation by the conservation acquisition board, grant available monies in the conservation donation account for purposes authorized in this paragraph.~~

E. The Arizona state parks board shall administer the land conservation fund. On notice from the board, the state treasurer shall invest and divest monies in either account in the fund as provided by section 35-313, and monies earned from investments shall be credited to the appropriate account in the fund.

SEC. 3. PROHIBITED URBAN GROWTH MANAGEMENT REQUIREMENTS

A. THERE SHALL NOT BE A STATE MANDATE THAT A CITY, CHARTER CITY, TOWN OR COUNTY:

1. ADOPT BY ORDINANCE OR OTHERWISE ANY "GROWTH MANAGEMENT" PLAN, HOWEVER DENOMINATED, CONTAINING ANY PROVISIONS RELATING TO SUCH ISSUES AS MANDATORY DEVELOPMENT FEES, MANDATORY AIR AND WATER QUALITY CONTROLS AND STREET AND HIGHWAY ENVIRONMENTAL IMPACTS, AND REQUIRING THAT, BEFORE ADOPTION, THE GROWTH MANAGEMENT PLAN, AMENDMENTS AND EXCEPTIONS BE AUTOMATICALLY REFERRED TO THE VOTERS FOR APPROVAL.

2. ESTABLISH OR RECOGNIZE, FORMALLY OR INFORMALLY, URBAN GROWTH BOUNDARIES, HOWEVER DENOMINATED, THAT

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EFFECTIVELY PREVENT NEW URBAN DEVELOPMENT AND EXTENSION OF PUBLIC SERVICES OUTSIDE THOSE BOUNDARIES.

3. APPLY OR ATTEMPT TO APPLY URBAN GROWTH MANAGEMENT RESTRICTIONS OR BOUNDARIES TO LANDS OWNED OR HELD IN TRUST BY THIS STATE, UNLESS SPECIFICALLY AUTHORIZED BY ACT OF THE LEGISLATURE.

B. THERE SHALL NOT BE A STATE MANDATE THAT THE ATTORNEY GENERAL FILE ANY ACTION IN ANY COURT IN THIS STATE AGAINST ANY LOCAL GOVERNMENT OR OFFICIAL TO ENFORCE ANY PROVISION PROHIBITED BY THIS SECTION.

### SEC. 4. CONDITIONAL REPEAL

SECTION 2 OF THIS ACT IS REPEALED IF THE INITIATIVE STYLED "THE CITIZENS GROWTH MANAGEMENT ACT" AND DESIGNATED BY THE SECRETARY OF STATE AS 12-I-98 IS APPROVED BY THE VOTERS AT THE GENERAL ELECTION HELD NOVEMBER 3, 1998 AND BECOMES EFFECTIVE PURSUANT TO ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.

### **FINAL VOTE CAST BY THE LEGISLATURE ON HCR 2027**

House -	Ayes, 34	Senate -	Ayes, 18
	Nays, 23		Nays, 11
	Not Voting, 3		Not Voting, 1
House Concurs in Senate Amendments and Final Passage			
	Ayes, 31		
	Nays, 19		
	Not Voting, 10		

### **ANALYSIS BY LEGISLATIVE COUNCIL**

#### **(In Compliance With A.R.S. Section 19-124)**

Proposition 303 is one part of the comprehensive "Growing Smarter Act" that was passed by the State Legislature to create open space and conservation areas throughout Arizona.

This proposition would provide \$20 million of State General Revenue each year for eleven years to purchase or lease state "trust land" and to preserve land from development as open space under the Growing Smarter Act. "Trust land" is land that the State of Arizona holds in trust to support public schools, universities and other public institutions, and the money used to purchase the land would continue to be held in trust for those purposes.

This proposition would also provide that the state could not mandate local governments to adopt certain growth management ordinances, boundaries or other restrictions in court. This proposition does not stop local governments from enacting growth management ordinances, boundaries or restrictions on their own.

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## ARGUMENT “FOR” PROPOSITION 303

I urge you to vote “yes” on Proposition 303.

If this proposition passes, the state will provide \$220 million over 11 years to help preserve scenic and open space projects across the state. Proposition 303 DOES NOT CREATE A NEW TAX, NOR DOES IT EXTEND A TAX. The money will be matched with dollars from other sources to purchase or lease State Trust Land to preserve it for future generations.

State Trust Land is owned in trust by our public schools, and twelve other public institutions. This land was given to Arizona at statehood by the federal government, with the requirement that it be sold, leased or operated in a way that will bring in as much revenue as possible for the schools and other institutions. By purchasing State Trust Land with this money, we are investing in the education of our children and preventing beautiful property from becoming subdivisions and shopping centers. Everyone wins.

State Trust Land in or near all of our cities and towns is eligible for this funding. Decisions about which areas ought to be preserved are left up to the communities themselves.

This funding is the final piece of my “Growing Smarter” plan which was developed by hundreds of citizens to help Arizona remain beautiful and bountiful through the coming century. The plan, which was passed by the legislature earlier this year, also includes reforms to our planning laws to give more certainty and citizen participation in the planning process as well as the creation of a Growing Smarter Commission to make further recommendations on growth-related issues. The program will ensure that Arizona's growth is well-managed, both at the state and local levels.

Please vote “yes” on Proposition 303.

Jane Dee Hull  
Governor  
Phoenix

## ARGUMENT “FOR” PROPOSITION 303

Ballot Argument in Support of the Growing Smart Act

Valley Forward Association strongly endorses the Growing Smarter Act as a vital step to preserve our desert landscape and to ensure a balance between economic development and environmental quality.

Our 29-year-old non-profit business organization represents more than 350 members, including companies both large and small, most Valley municipalities, related civic organizations and many concerned individuals. Valley Forward's mission is to improve the environment and quality of life in Valley communities.

We are an historic advocate of desert preservation. Valley Forward supported the creation of the Arizona Preserve Initiative, and have consistently advanced the efforts of local municipalities to preserve open space in their individual communities. In keeping with our overall philosophy concerning environmental issues, we encourage a regional approach for desert preservation and land use concerns.

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With our Valley communities growing at such a phenomenal rate, there is a critical need for the Growing Smarter Act. It will strengthen municipal and county planning, provide \$220 million in long-term open space acquisition matching funds, and create a "Growing Smarter Commission" to study other growth-related issues and possible reforms from both urban and rural perspectives.

We encourage citizens throughout Arizona to join us in that effort by voting to support the Growing Smarter Act.

C. Webb Crockett	Diane Brossart	Stephen Anderson
Chairman of the Board	President	Secretary
Valley Forward Association	Valley Forward Association	Valley Forward Association
Phoenix	Phoenix	Phoenix

## ARGUMENT "FOR" PROPOSITION 303

Argument in Favor of Proposition 303

July 9, 1998

The Sonoran Institute writes to express our support for Proposition 303 because it will provide a source of funding for the protection of open space across Arizona.

Proposition 303 represents an important step toward recognizing the conservation value of State Trust lands. In Pima County, State Trust lands offer a tremendous opportunity to create a "greenbelt" around metropolitan Tucson that preserves open space, wildlife habitat, and sensitive riparian corridors.

Conservation of State Trust lands serves as a critical element of a statewide growth management effort that would protect the environmental and economic values that make Arizona such an attractive place to live and visit. We are hopeful that Governor Hull's Growing Smarter Commission will provide this vision and leadership.

The Sonoran Institute looks forward to working with Governor Hull in promoting land-use policies that combine protection of State Trust lands with the delegation of authority and flexibility necessary for counties and municipalities to foster livable and sustainable communities.

Luther Propst	John Shepard
Executive Director, Sonoran Institute	Associate Director, Sonoran Institute
Tucson	Tucson

## ARGUMENT "FOR" PROPOSITION 303

July 9, 1998

Superstition Area Land Trust Publicity Pamphlet Statement for Proposition 303

We support Proposition 303 because it provides matching funds to protect State Trust Lands as open space.

There are thousands of acres of majestic State Trust Lands in the foothills of the Superstition Mountains less than an hour east of Phoenix. Residents and visitors from all over the world enjoy the grandeur and visual splendor of these open spaces. Because these are public lands adjacent to the Superstition Wilderness, people

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assume they, too, are protected. They are not. These priceless State Trust lands lie directly in the path of development in cash-strapped Pinal County.

The Superstition Area Land Trust is working to preserve these lands as open space and protect them from development. We cannot do it without the matching funds that Proposition 303 will provide.

The Superstition Area Land Trust does not stand alone. There are beautiful State Trust Lands all over the state of Arizona deserving of protection. Many of these areas are unique in the world, and contain plants and animals found nowhere else on earth. There are groups like the Superstition Area Land Trust working to preserve these open spaces.

Arizona needs the \$20 million dollars a year that Proposition 303 provides to save these priceless lands. Proposition 303 will not extend or create any new tax because it uses existing general revenue funds.

Please vote yes on Proposition 303 to save Arizona's State Trust lands.

Rosemary Shearer, President  
Superstition Area Land Trust  
Gold Canyon

Lanna Mesenbrink, Secy/Tres.  
Superstition Area Land Trust  
Apache Junction

### ARGUMENT "FOR" PROPOSITION 303

The Desert Foothills Land Trust supports Proposition 303, which will provide funding assistance to communities for the acquisition of land for open space preservation throughout the State of Arizona.

The primary reason people come to Arizona today is to experience the breathtaking beauty and scenic vistas of this spectacular state. The very history of Arizona reflects continuous growth; it is simply a place so popular that people want to come and live forever. But with growth comes pressure on all sectors of society--and in the mix of such dramatic change the land naturally begins to vanish before our eyes.

We believe that we must work now to preserve sensitive lands to insure a improved quality of life for future generations. And we believe that Proposition 303 can help us to achieve our vision of open space and natural beauty.

The Desert Foothills Land Trust is a private non-profit organization in Cave Creek, established to preserve and protect sensitive natural riparian areas, open spaces, cultural resources, scenic vistas and to provide a permanent safe haven for wildlife in northern Maricopa County. Our mission is to insure the survival of the unique plant and wildlife of the fragile Sonoran Desert for future generations.

The Land Trust is currently working with the State Land Department to protect two spectacular parcels of state land in the foothills area, which include rare riparian habitat along Cave Creek. The money allocated under Proposition 303 would be matched by funds the Land Trust has raised to make the dream of preservation a reality.

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We feel it is important for us to leave a legacy of natural lands for future residents and visitors to enjoy. We urge all Arizonans who share the vision of saving open space, to vote **“Yes”** on Proposition 303.

Chuck Bune  
President  
Desert Foothills Land Trust  
Cave Creek

Susan Svitak  
Vice President  
Desert Foothills Land Trust  
Cave Creek

### ARGUMENT “FOR” PROPOSITION 303

No one in Arizona wants to see urban sprawl. Proposition 303 makes it possible to buy and preserve open spaces and allows us to study and plan for our growth in a deliberate and reasonable manner. We don't need out-of-state solutions like urban growth boundaries. Mandatory growth boundaries will raise housing prices, increase density and destroy what open space there is within the boundary. At the same time, property values outside the boundary will be destroyed. And instead of having less traffic and less air pollution, we will have more.

Proposition 303 provides a common sense approach to growth in our state. “Growing Smarter” gives the people of Arizona a chance to voice their opinion on the future of our state. In 1965, Barry Goldwater led the effort to protect Camelback Mountain by founding the Preservation of Camelback Mountain Foundation and raising funds to buy and preserve the mountain for future generations. In supporting Proposition 303, I am proud to follow the precedent set by Senator Goldwater. By passing “Growing Smarter” we can provide a solid future for our children and send a message to out-of-state interests that we don't want or need their so-called “solutions.”

Please join me in voting yes on Proposition 303.

John Shadegg, Congressman  
Phoenix

Paid for by John Shadegg for Congress

### ARGUMENT “FOR” PROPOSITION 303

Arizona is wonderfully environmentally diverse. From the mountains of Flagstaff, to the depths of our beloved Grand Canyon, from the rolling hills of Patagonia, to the dramatic vistas of the Mogollon Rim, our State possesses an abundance of natural beauty.

Due to the wisdom of those that came before us much of our State's natural heritage has been preserved through our NATIONAL and state parks and individual preserve initiatives.

While the State's largest metropolitan area has no rugged shoreline, or sandy white beaches, it does possess what no other city in the country can claim: natural desert-mountain preserves. Here in the sixth largest metropolitan area in North America, a hiker or horseman can top a ridge and dip into a valley surrounded by, but totally removed from, the sounds and often the very sight of our dense urban surroundings. Every Phoenician should enjoy a sunrise from high above the desert floor. Watching our community rise with the sun and begin a new day is soulful experience.

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Proposition 303, the “Growing Smarter” initiative gives us the opportunity to again secure our natural heritage. Proposition 303 requires that the State set aside \$20 million annually for the next 11 years to be matched with other local governmental or private funds to purchase or lease State Trust lands. Because State Trust Lands are held in trust for the benefit of public education in Arizona, the money used to purchase open space will go toward improving our public education system.

As one of the original founders of the Phoenix Mountain Preserve, and now as the Chairman of the Neighbors for Planning and Preservation, I encourage all Arizonans to join ME in supporting Proposition 303, to preserve our State’s natural heritage.

Ruth Hamilton, Chairman  
Neighbors for Planning and  
Preservation  
Phoenix

Jan Hancock, Treasurer  
Neighbors for Planning and  
Preservation  
Phoenix

### ARGUMENT “FOR” PROPOSITION 303

As elected local leaders, we must balance daily the interests of the greater community with those of individual landowners. Oftentimes, neighbors to new development have radically different ideas than those individuals who are attempting to build a new project. Today, there is very little “common understanding” of the rules that govern future growth.

Proposition 303, Growing Smarter, gives all of us an opportunity to establish a new, tougher, set of rules which will govern future development, and an unprecedented opportunity to continue an Arizona tradition of preserving desert “open space”.

Continuing to grow in the manner we have is an unacceptable option. Growing Smarter accomplishes two primary goals:

- it puts real “teeth” into our ability to adopt and enforce community wide general and comprehensive plans, and
- it sets aside \$20 million annually for eleven years, to be matched with other funds, for the purchase of State Trust Lands to preserve them as desert open space.

The most certain and predictable way for a community to grow is to develop a clear and concise general and comprehensive plan. At times these plans are not fully developed, sometimes ignored, and too frequently amended thereby routinely altering the framework and the common understanding of how each community intends to grow.

With Growing Smarter, no longer will a simple majority be able to amend a general and comprehensive plan. After we pass “Growing Smarter” amending such a plan will require a two-thirds vote of your local elected governing body. “Growing Smarter” requires that developers begin to pay their “fair share” toward the cost of additional public facilities or services. By instituting these two changes alone, we will have created a dramatic shift from the development policies of the past and taken a large step towards preserving that which makes us uniquely Arizona..

William O. Arnold, Mayor  
Goodyear

Tom Augherton, Mayor  
Cave Creek

Neil Guiliano, Mayor  
Tempe

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Mark Schnepf, Mayor      William Kosanovich, Mayor      Wayne J. Brown, Mayor  
Queen Creek              Youngtown              Mesa

Paid for by Neighbors for Planning and Preservation; Ruth Hamilton, Chairman

### ARGUMENT “FOR” PROPOSITION 303

We are fortunate to live and work in a state that truly represents the pioneering spirit of this great country. Our economic vitality and quality of life bring many folks, just like us, to Arizona to experience all the beauty that Arizona has to offer.

But our envious growth and prosperity has given rise to a new challenge; how to control our growth and not degrade the way of life we have come to expect.

While the natural wonder of our State is unquestionable, the opportunity to make a good wage and provide for our families also has a powerful appeal. While the economies of the East and Midwest were plummeting, Arizona's economic optimism was, and still is, a powerful attraction. Arizona's economy and lifestyle have become a beacon, drawing hundreds of thousands of new residents annually into our State. The question before us as we enter the next century is whether to extinguish our beacon, or refine our economic light.

To accomplish these twin tasks, 1) preserving Arizona's natural heritage, and 2) continuing our economic prosperity, Arizona voters are being given the opportunity to establish a new set of rules that will govern the way we grow and preserve that which brought us here.

Proposition 303, “Growing Smarter” strengthens our local government's ability to stop urban sprawl, sets aside \$20 Million annually for the next 11 years to purchase State Trust Lands and preserve them as desert open space, and establishes a statewide commission to recommend further changes in law to protect our State's natural heritage.

Please support Proposition 303 to preserve Arizona's natural heritage and to continue our successful economic expansion

Tim Lawless, President and CEO  
Arizona Chamber of Commerce  
Phoenix

Jim Norton, Vice President Public  
Affairs  
Arizona Chamber of Commerce  
Phoenix

### ARGUMENT “AGAINST” PROPOSITION 303

#### NO ON 303

The “growing smarter” proposition should really be called the developer protection act. It was written largely by developer interests to stop real growth management.

The proposal would prohibit the state from requiring developers to pay impact fees as part of local growth management plans. So instead of making developers pay for roads and schools to serve their new developments, the rest of us will continue to pay taxes to subsidize growth. The proposal would also bar requiring voter approval for land use plans and amendments. This will allow developers to make deals with the politicians while the rest of us have no real say. And the proposal says that the state

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can't require limits on air and water pollution in growth management plans. So instead of cleaning up our environment, this proposal will let things get worse.

The proposal would also use \$20 million/yr. in tax dollars to buy unspecified lands and "development rights," supposedly for conservation purposes. The way the proposal is written, it's a potential windfall for developers, ranchers, and farmers. For example, tax dollars could go to "non-profit" organizations set up by developers to buy more land next to their subdivisions. Tax dollars could also be used to pay big corporations not to destroy the environment.

If you believe citizens, not developers, should determine managed growth, vote no on Proposition 303

Robert R. Beatson  
Director

Arizona League of Conservation Voters  
Tucson

Carolyn Campbell  
Secretary

Arizona League of Conservation Voters  
Tucson

## ARGUMENT "AGAINST" PROPOSITION 303

### **Say "No" to Legislature's Developer Protection Act**

The Grand Canyon Chapter of the Sierra Club urges Arizonans to vote "NO" on the Legislature's "Growing Smarter" referendum, a bill that was written to protect big developers, not to manage the growth destroying our natural heritage. This so-called Growing Smarter proposition was authored and endorsed by a development attorney. It was promoted by development interests at the Legislature, who pushed it though with limited public review and no public input in the waning hours of the legislative session.

The clear objective with this proposal was to keep things the way they are -- to do nothing to change the way we manage growth. The key legislative proponent of the bill even said "If you want nothing to happen then vote for these bills."

- Rampant growth will continue under "Growing Smarter" because it:
- Prohibits the state from requiring that development pay its way through mandatory development impact fees (see Section 3 of the proposition);
- Prohibits the state from requiring air and water quality controls in growth management plans;
- Prohibits the state from requiring street and highway environmental impact reviews;
- Prohibits the state from requiring growth boundaries, as part of any growth management plan;
- Does not guarantee funding for promised purchases of State Trust Lands;
- **And prohibits any requirement for voter approval of plans.**

While Growing Smarter promises \$20 million per year for acquisition of State Trust Lands, there is no guarantee that the Legislature will actually fund this proposal. With Growing Smarter, we could end up with no growth management and no money for open space, either.

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Let's all vote **"NO"** on Proposition 303 and continue to work for real growth management and conservation of natural open space.

Kathy Roediger  
Chairperson

Sierra Club - Grand Canyon Chapter  
Phoenix

Sharon Galbreath  
Conservation

Sierra Club - Grand Canyon Chapter  
Flagstaff

## ARGUMENT "AGAINST" PROPOSITION 303

The "Growing Smarter" referendum on November's ballot could well be called a developer protection plan.

Pushed through the state legislature last spring with input from developers, real estate interests et al., it was originally designed as the governor's answer to the Citizens Growth Management Act. This was an initiative backed by environmentalists and others who have been increasingly disturbed by growing urban sprawl and the destruction of the desert that accompanies it.

The citizens act was withdrawn when it became clear the necessary 112,000 valid signatures could not be obtained by the July deadline. Backers vow to put it on the ballot in 2000.

For now, supporters of the citizens act are working to defeat the governor-backed referendum, viewing it as simply a means of continuing the current state of affairs, where taxpayers subsidize growth and developers control the process.

The Neighborhood Coalition of Greater Tucson agrees with those who say the Growing Smarter referendum would block real growth management in Arizona. Here are some of the reasons: the referendum would prohibit the state from requiring mandatory impact fees, air and water quality controls, and street and highway impact reviews.

It would also prohibit the state from requiring formal or informal growth boundaries as part of a growth management plan, and it would prohibit any requirement for voter approval of development plans.

The referendum does appropriate \$20 million a year for 10 years to a conservation fund, but these funds could be granted to non-profit organizations as well as government agencies. By creating a non-profit organization to act as recipient for the conservation money, a big developer could then effectively receive public funds to set up an open space preserve next to his land. The result, enhanced value for his land--another public subsidy for developers.

Sandal English, board secretary  
Neighborhood Coalition of Greater  
Tucson  
Tucson

Robert L. Smith, treasurer  
Neighborhood Coalition of Greater  
Tucson  
Tucson

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## ARGUMENT “AGAINST” PROPOSITION 303

### TUCSON MOUNTAINS ASSOCIATION

#### ARGUMENT **AGAINST** “GROWING SMARTER”

The “Growing Smarter” initiative should be defeated. Written by a developer lobbyist, it was meant to counteract the Citizens Growth Management Initiative. Now that the citizen’s initiative will not be on the ballot, not only is “Growing Smarter” unnecessary, it would be harmful; it would prevent local governments and citizens from managing growth in a significant way. Don’t swallow this harmful initiative disguised in a thin sugar coating of dubious environmentalism!

The proposal attempts to lure voters with \$20 million in tax dollars a year to buy land or “development rights” for “conservation” purposes. In fact, it allows tax dollars to go to “non-profit” organizations that could be set up by developers to buy more land next to their subdivisions. Tax dollars could also be used to pay off big corporations not to pollute. In other words, this proposal would put more of our tax dollars in the pockets of the wealthiest people and corporations in the state.

“Growing Smarter” would prohibit the state from requiring developers to pay impact fees, leaving taxpayers to subsidize growth. None of this is very smart; it would restrict the right of the people of Arizona to manage growth in their own communities. Let’s defeat “growing smarter” and work to support real growth management.

Carol Klamerus, President  
Tucson Mountains Association  
Tucson

Holly Finstrom, Secretary  
Tucson Mountains Association  
Tucson

## ARGUMENT “AGAINST” PROPOSITION 303

The “growing smarter” proposition should really be called the developer protection act. It was written largely by developer interests to stop real growth management in Arizona.

The proposal would prohibit the state from requiring developers to pay impact fees as part of local growth management plans. So instead of making developers pay for roads and schools to serve their new developments, the rest of us will continue to pay taxes to subsidize growth. The proposal would also bar voter approval for land use plans and amendments. This will allow developers to make deals with the politicians while the rest of us have no real say. And the proposal says that the state can’t require limits on air and water pollution in growth management plans. So instead of cleaning up our environment, this proposal will let things get worse.

The “growing smarter” proposition is a wolf in sheep’s clothing. It hides under a cloak of money for conservation and open space proponents’ real intent: stifle any attempts to bring Arizona’s runaway growth and its impacts under control.

Vote ‘no’ on this proposition and send a message to the legislature to do it right next session with no hidden agendas.

Peter C. Martori  
Phoenix

*Spelling, grammar, and punctuation were reproduced exactly as submitted in the  
“for” and “against” arguments.*

## **BALLOT FORMAT**

### **PROPOSITION 303**

#### **PROPOSED AMENDMENT TO THE ARIZONA REVISED STATUTES REFERRED BY THE LEGISLATURE**

##### **OFFICIAL TITLE**

HOUSE CONCURRENT RESOLUTION 2027  
AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES;  
RELATING TO LAND USE AND CONSERVATION APPROPRIATIONS.

##### **DESCRIPTIVE TITLE**

PROVIDING \$20 MILLION OF STATE GENERAL REVENUE EACH YEAR  
FOR 11 YEARS TO PURCHASE OR LEASE STATE TRUST LAND AND TO  
PRESERVE LAND FROM DEVELOPMENT AS OPEN SPACE; PROVIDING  
THAT THE STATE CANNOT MANDATE LOCAL GOVERNMENTS TO  
ADOPT CERTAIN GROWTH MANAGEMENT ORDINANCES, BOUND-  
ARIES OR OTHER RESTRICTIONS.

### **PROPOSITION 303**

A “yes” vote shall have the effect of providing \$20 Million of state general revenue each year for 11 years to purchase or lease state trust land to be preserved as open space and providing that the state cannot require local governments to adopt growth management ordinances, boundaries or other restrictions.	YES <input type="checkbox"/>
A “no” vote shall have the effect of maintaining the current law, which does not make a \$20 Million appropriation for 11 years for preserving state lands as open space or prohibit the state from requiring local growth management.	NO <input type="checkbox"/>

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“for” and “against” arguments.*